

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ROGER PENMAN,)
Petitioner,)
v.) Civil No. 06-113-B-W
STEVEN BERRY, WARDEN,)
CHARLESTON CORRECTIONAL)
FACILITY,)
Respondent.)

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on January 18, 2007 her Recommended Decision. The Petitioner filed his objections to the Recommended Decision on January 29, 2007. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. It is further ORDERED that the Respondent's Motion to Dismiss (Docket # 4) be and hereby is GRANTED.
3. It is further ORDERED that the Petitioner's 28 U.S.C. § 2254 Petition (Docket # 1) be and hereby is DENIED.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 30th day of January, 2007